

REMARKS

Applicant requests favorable reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1-13 are pending in the application, with claim 1 being the sole independent claim. Claim 1 has been amended herein. Claim 13 is newly added. Support for the amendment to claim 1 and for new claim 13 can be found in the original application, as filed. Therefore, no new matter has been added.

Initially, Applicant notes with appreciation that claims 4 and 10 contain allowable subject matter and would be allowable if rewritten in independent form. Applicant has declined to so amend those claims at this time, inasmuch as Applicant believes that independent claim 1 is allowable as currently presented.

In the Office Action, claims 1-3, 5-9, 11, and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,611,765 (Shimojima et al.). Applicant respectfully traverses this rejection. Nevertheless, Applicant submits that amended claim 1 amplifies the distinctions between the present invention and the Shimojima et al. patent.

Independent claim 1, as currently amended, recites, *inter alia*, that the pulverizing roller is manufactured such that, when the pulverizing roller initially is installed in the roller mill, and prior to the pulverizing roller being used to pulverize raw material, the pulverizing roller has an outer peripheral pulverizing surface, which includes a substantially flat section located in the central portion thereof and at least one arcuate section continuous with the flat section. Applicant submits that the configuration of the

claimed pulverizing roller results in an even distribution of the load along the pulverizing surface of the roller. See page 6, l. 20 to page 7, l. 4 of the subject specification.

The cited document does not disclose or suggest at least these features of the present invention recited in independent claim 1.

The Shimojima et al. patent discloses a rolling mill having a pulverizing roller 25 with an annular recess 27. Figure 14(3), cited in the Office Action as being anticipatory, shows a configuration in which the roller 25 has a recess 27 in a central portion and pulverizes raw material with the portion of the roller 25 not including the recess 27. See Shimojima et al., col. 5, ll. 25-29. Thus, the Shimojima et al. patent fails to teach or suggest a pulverizing roller that has an outer peripheral pulverizing surface, which includes a substantially flat section located in the central portion thereof and at least one arcuate section continuous with the flat section, as recited in claim 1. In fact, the Shimojima et al. patent is understood to teach away from the invention of claim 1, because it expressly teaches that “the portion of the roller 25 in the recess 27 does not contribute to the pulverization at all, and if [the recess is] too shallow, the roller life will be shortened by wear” Shimojima et al., col. 5, ll. 25-29.

For at least the foregoing reasons, Applicant submits that the present invention, as recited in independent claim 1, is patentably defined over the cited art.

Applicant further submits that the dependent claims are also allowable, in their own right, for defining other patentable features of the present invention in addition to those recited in independent claim 1. For example, newly added claim 13 recites that there is a smooth transition between the flat section and the at least one arcuate section. This is, of course, distinct from the abrupt discontinuity shown in the Shimojima et al. patent

between the recess 27 and the pulverizing portion of the roller 25. Individual consideration of claim 13, and of all the dependent claims, is requested.

Applicant submits that this Amendment clearly places this application in condition for allowance. This Amendment was not presented earlier in the prosecution, inasmuch as it was earnestly believed that the claims heretofore on file were allowable. It is believed that the Examiner's familiarity with the present application will allow full consideration hereof without the expenditure of undue time and effort. Accordingly, Applicant requests favorable consideration and entry of this Amendment.

Applicant further requests favorable reconsideration, withdrawal of the rejection set forth in the above-noted Office Action, and an early Notice of Allowance.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven E. Warner", written over a horizontal line.

Attorney for Applicant
Steven E. Warner
Registration No. 33,326

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200
SEW/MJD/ksp

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